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In re Application of SATO et al
U.S. Application No.: 10/019,568
Int. Application No.: PCT/JP00/04362
Int. Filing Date: 30 June 2000
Priority Date: 30 June 1999
Attorney Docket No.: 216127US0PCT
For: METHOD FOR SCREENING TARGETING
DDS PREPARATION

COMMUNICATION

This is in response to the papers filed 18 June 2002.

BACKGROUND

On 30 June 2000, applicant filed international application PCT/JP00/04362, which claimed priority of an earlier Japan application filed 30 June 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 11 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 November 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 31 December 2001 (30 December 2001 was a Sunday).

On 31 December 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 March 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 18 June 2002, applicant filed an executed declaration along with a statement which states that the given name of the eighth listed inventor is different from that indicated in the international application.

DISCUSSION

A review of the application file, including the "Declaration of Yukio Kato" filed 18 June 2002, reveals that the given name of the eighth inventor is listed in the international application as "Masao" while the given name is listed in the declaration as "Yukio". In that this is clearly more than a mere typographical error or a phonetic misspelling of the inventor's given name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$130.00 as well as statements from both the inventor and any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered and must also set forth that the mistake was an inadvertent error without deceptive intent.

It is further noted that the surname of the seventh inventor is listed in the international application as "Yugiyama" while the surname is listed in the declaration as "Sugiyama". Applicant is required to explain this discrepancy.

CONCLUSION

A proper response must be filed within TWO (2) MONTHS from the mail date of this communication. The response should include a cover letter entitled "Petition Under 37 CFR 1.182" and must include the requisite petition fee and an acceptable explanation of the facts as discussed above. Failure to file a proper response in a timely manner will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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